

REMARKS / ARGUMENTS

Claims 1-3, 5, 11, 14-16, 18, 27, 29-32, 34-36 and 38-61 remain pending in this application. New claims 60 and 61 have been added.

Upon further consideration of the Amendment entered by the Examiner accompanying the Notice of Allowance mailed February 9, 2005, Applicant contends that encapsulation technology does not need to be recited in independent claims 1 and 14 for patentability. This is especially true since those claims specify the microencapsulation technology which can adjust to temperature changes in order to provide reversible enhanced thermal properties to the foam material or nonwoven material. Furthermore, other ways of providing waterproof/breathable characteristics are recited in dependent claims 3, 5, 16 and 18. Namely, the use of a waterproof/breathable membrane or a waterproof film is recited. Therefore, the portions directed to encapsulation technology have been removed from independent claims 1 and 14 and added as new claims 60 and 61.

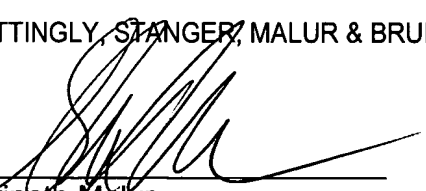
The Examiner is requested to contact the undersigned by telephone in order to try to resolve any remaining issues prior to issuing an Office Action.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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